IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6375 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

DAHIBEN BHIKHABHAI PATEL - Petitioner(s)

Versus

DIVISIONAL ENGINEER & 2 - Respondent(s)

==========

Appearance :

MR PM BHATT for Petitioner(s) : 1,
MR ASIM J PANDYA for Respondent(s) : 1,
MR YN RAVANI for Respondent(s) : 1 - 3.
MS KN VALIKARIMWALA for Respondent(s) : 3,

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 01/12/2005

ORAL JUDGMENT

1. This matter is called out thrice, but Mr.P.M. Bhatt, learned advocate appearing on behalf of the petitioner is absent and since the matter is of 1995, this court has no other alternative but to decide and dispose of the present petition on merits ex-parte.

2. In this petition under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for appropriate writ, order and/or directions quashing and setting aside the decisions dtd.17/3/1995 and 11/7/1995 rejecting the appeal preferred by the petitioner against the excess telephone billing. It is also further prayed to direct the respondents to re-connect the telephone connection of the petitioner bearing No.6579294.

3. In the pleadings made in the petition, it

is the contention of the petitioner that the Meter recording the consumption of the telephone was faulty and therefore, there was excess billing. It appears from the record that against the impugned Telephone Bills, the petitioner submitted a complaint which came to be considered by the Competent Authority and the petitioner was informed vide communication dtd.25/1/1994 that after holding an inquiry, it is found that there was no defect in the Telephone Line and the Bill issued for the telephone consumption is just. It also appears from the record that against the said communication, the petitioner preferred an appeal before the Appellate Authority-cum-Area Manager, Ahmedabad Telecom, Ahmedabad District, which came to be dismissed by the said authority vide order dtd.11/7/1995. Both authorities below have concurrently found that there was no defect in the Meter and on Line which could causes excess metering and therefore, there was no ground to grant rebate. This Court in exercise of the powers under Articles 226 and 227 of the Constitution of India cannot decide whether there was any defect in the Meter and on Line. The Competent Authority which is competent

in technical aspects has taken the decision after holding necessary inquiry. Under the circumstances, there is no substance in the present petition and the petition is required to be dismissed and the same is accordingly dismissed. Rule is discharged.

(M.R. SHAH,J.)

rafik